

United States District Court for the
Northern District of Texas
Dallas Division

Stacy Yohannan and Sabu Yohannan,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	Case No. 3:17-cv-892
v.	§	
	§	
Raymond Eugene Daniel and Fidelity	§	[formerly Cause No. DC-17-01881
Freight, L.L.C.,	§	in the 68 th District Court of Dallas
	§	County, Texas]
<i>Defendants.</i>	§	
	§	
	§	

Defendants Raymond Eugene Daniel and Fidelity Freight, L.L.C.'s Notice of Removal

To the Honorable Judge of Said Court:

Defendants Raymond Eugene Daniel and Fidelity Freight, L.L.C. file this Notice of Removal, pursuant to Title 28 of the United States Code, Sections 1332, 1441, and 1446, of the action styled *Stacy Yohannan and Sabu Yohannan v. Raymond Eugene Daniel and Fidelity Freight, L.L.C.*, Cause No. DC-17-01881, in the District Court of Dallas County, Texas, 68th Judicial District ("State Court Action"), and in support thereof, would respectfully show the Court as follows:

I. Factual Background

1. Plaintiffs Stacy Yohannan and Sabu Yohannan filed their Original Petition in the State Court Action on or about February 15, 2017. A copy of the Original Petition is attached hereto as Exhibit A.

2. In their Original Petition, Plaintiffs seek to recover damages for personal injuries allegedly sustained in a motor vehicle collision that occurred on or about April 8, 2016 in the westbound lanes of Interstate 30 in Dallas, Dallas County, Texas. Plaintiffs claim that the negligence of Defendants Raymond Eugene Daniel and Fidelity Freight, L.L.C. proximately caused their injuries.

II. Basis for Removal

3. As set forth below, this Honorable Court has diversity jurisdiction pursuant to Title 28, United States Code, Section 1332 because there is complete diversity of jurisdiction between all parties and the amount in controversy exceeds \$75,000. In their Petition, Plaintiffs have acknowledged that:

A. There is complete diversity of citizenship

4. Plaintiffs are citizens of the State of Texas.

5. Defendant Raymond Eugene Daniel is a resident of Jackson, Georgia and is, therefore, a citizen of the State of Georgia.

6. Defendant Fidelity Freight, L.L.C. is a company incorporated in the State of Georgia with its principle place of business in Georgia, and is, therefore, a citizen of the State of Georgia.

B. The amount in controversy is satisfied

8. Plaintiffs allege in their Original Petition that they are “seeking monetary relief over \$200,000.00.” Therefore, the amount in controversy requirement is satisfied.

III. Removal Venue

9. Defendant has removed this action to the United States District Court for the Northern District of Texas, Dallas Division, because it is the judicial district and division in which the State Court Action is pending.

IV. Joinder or Consent of All Defendants

10. All Defendants have joined and consent to this removal.

V. Notice of Filing of Notice of Removal

11. Pursuant to Title 28, United States Code, Section 1446(d), Defendants Raymond Eugene Daniel and Fidelity Freight, L.L.C. have provided written notice to the Plaintiffs and the state court concerning this removal.

VI. Index of Documents Filed in State Court Action

12. The following documents have been filed in the State Court Action:

- Exhibit A - Plaintiffs' Original Petition, filed February 15, 2017;
- Exhibit B - Civil Case Information Sheet, filed February 15, 2017;
- Exhibit C - Plaintiffs' First Amended Petition, filed February 16, 2017.
- Exhibit D - Return of Service for Raymond Eugene Daniel, filed March 22, 2017;
- Exhibit E - Return of Service for Fidelity Freight, L.L.C., filed March 22, 2017;
- Exhibit F - Defendant Raymond Eugene Daniel's Original Answer, filed March 29, 2017;

- Exhibit G – Defendant Fidelity Freight, L.L.C.’s Original Answer, filed March 29, 2017;

VII. Additional Documents Filed With Notice of Removal

13. The following additional documents are filed with this Notice of Removal:

- Exhibit H – Civil Cover Sheet
- Exhibit I – List of all parties in the case;
- Exhibit J – List of attorneys involved in the case;
- Exhibit K – Record of which parties have requested trial by jury;
- Exhibit L – Name and address of the court from which the case is being removed.

IX. Conclusion and Prayer

Defendants Raymond Eugene Daniel and Fidelity Freight, L.L.C. respectfully request that the Court remove this action on the basis of diversity jurisdiction pursuant to Title 28, United States Code, Sections 1332, 1441, and 1446, and for such further relief as they may show themselves to be justly entitled.

Respectfully submitted,

**Touchstone, Bernays, Johnston, Beall, Smith &
Stollenwerck, LLP**

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**Attorney for Defendants
Raymond Eugene Daniel and Fidelity Freight, L.L.C.**

Certificate of Service

This is to certify that on this 28th day of March, 2017, a true and correct copy of the foregoing instrument was served upon all counsel of record.

/s/ Rocky Feemster
Rocky Feemster